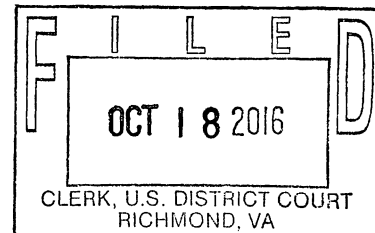


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DARNELL MITCHELL,

Plaintiff,

v.

Civil Action No. 3:16CV47

JOSEPH HIGGS,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on February 23, 2016, the Court conditionally docketed the action. The February 23, 2016 Memorandum Order warned Darnell Mitchell that the Court would dismiss the action if he failed to keep the Court informed of his current address. On September 23, 2016, the United States Postal Service returned a September 14, 2016 Memorandum Order to the Court marked, "RETURN TO SENDER" and "NOT HERE." Since that date, Mitchell has not contacted the Court to provide a current address. Mitchell's failure to contact the Court and provide a current address indicates his lack of interest in prosecuting this action. See Fed. R. Civ. P. 41(b). Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Mitchell.

Date: *October 13, 2016*
Richmond, Virginia

/s/ REP
Robert E. Payne
Senior United States District Judge